

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re:	§	
	§	
SCC KYLE PARTNERS, LTD.,	§	Case No. 12-11978-HCM
	§	(Chapter 11)
Debtor.	§	

WHITNEY BANK'S NOTICE OF APPEAL

Whitney Bank, successor-by-merger to Whitney National Bank, individually and as agent for certain pre-petition lenders (collectively, "Whitney Bank"), hereby appeals to the United States District Court for the Western District of Texas pursuant to 28 U.S.C. §158 and FED. R. BANKR. P. 8001 and 8002 from the Order Denying Whitney Bank's Objection to Claim of Seton Family of Hospitals [Docket # 185] (the "Claim Objection Order"), and any and all related findings of fact and conclusions of law, orders, supplements and amendments whether entered before, contemporaneous with or after the Claim Objection Order. A true and correct copy of the Claim Objection Order is attached to this Notice of Appeal as "Exhibit A."

This Notice of Appeal is filed expressly subject to, and without waiver of, any and all rights, remedies, motions, and requests, including, but not limited to, requests for stay pending appeal and direct appeal relief. This Notice of Appeal is timely filed under FED. R. BANKR. P. 8002.

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

INTERESTED PARTIES

DEBTOR
SCC KYLE PARTNERS, LTD.

SETON FAMILY OF HOSPITALS

APPELLANT/SECURED CREDITOR
WHITNEY BANK

DATED: November 5, 2013

BANKRUPTCY COUNSEL FOR PARTIES

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**ATTORNEYS FOR WHITNEY BANK,
APPELLANT/ SECURED CREDITOR**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of November 2013, a true and correct copy of this document was served electronically on all registered ECF users in this case, and by U.S. first class mail on all persons identified below.

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/s/ James G. Ruiz

James G. Ruiz

EXHIBIT A



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: October 25, 2013.

HCM

**H. CHRISTOPHER MOTT
UNITED STATES BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	
	§	CASE NO. 12-11978-HCM
SCC KYLE PARTNERS, LTD.,	§	
	§	
Debtor.	§	(Chapter 11)

**ORDER DENYING WHITNEY BANK'S
OBJECTION TO CLAIM OF SETON FAMILY OF HOSPITALS**

On August 29, 2013, the Court conducted a hearing on the Objection to Claim of Seton Family of Hospitals (dkt# 106) ("Objection") filed by Whitney Bank. The Objection was filed to the Proof of Claim, as amended, of Seton Family of Hospitals d/b/a Seton Medical Center Hays in the amount of \$500,000 (claims dkt# 4-1, 4-2) ("Seton Proof of Claim") against SCC Kyle Partners, Ltd. ("Debtor"). At the conclusion of the hearing, the Court took its ruling with respect to the Objection under advisement.

For the reasons set forth in the Court's oral ruling on the record in open court on October 25, 2013, under Rules 7052 and 9014(c) of the Federal Rules of Bankruptcy

Procedure, the Court finds that the Objection should be denied, the Seton Proof of Claim should be allowed in the amount of \$500,000 as of the date of the filing of the Debtor's bankruptcy petition under 11 U.S.C. §502(b) as an unsecured claim against the Debtor, and the following Order should be entered.

THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Objection to Claim of Seton Family of Hospitals (dkt# 106) filed by Whitney Bank is denied; and
2. The Seton Proof of Claim is allowed as an unsecured claim in the amount of \$500,000 against the Debtor.

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